

REMARKS

In the office action mailed 07 February 2007, claims have been rejected under 35 U.S.C. § 102(e). As set forth more fully below, Applicant traverses the rejections.

By this response Applicant rewrites claims 1, 2, 12 and 23. Support for the rewriting is found throughout the written description and in the Figures. No new matter is added by amendment.

Claim rejections: 35 USC § 102

At paragraph 4 et seq. of the detailed action the Examiner has rejected claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Brinkman et al. (Pub. No. US2005/0065818A1).

Applicant respectfully traverses. Because Applicant believes that its claimed invention is clearly distinguished from the cited art, it elects to respond to the rejection on the merits of the claims as presented, without significant amendment. Applicant makes such response without prejudice, and expressly reserves the right to swear behind the cited reference at a later time.

In order to anticipate a claim, a single prior art reference must disclose each of the limitations of the claim. See, e.g., *Celeritas Technologies Ltd. v. Rockwell International Corp.*, 47 USPQ.2d 1516 (Fed. Cir. 1998), *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ.2d 1051 (Fed. Cir. 1987), MPEP 2131. As set forth more fully below, the cited prior art reference fails to disclose one or more of the limitations of the claims as currently presented.

Brinkman et al. (US2005/0065818A1)

Brinkman discloses an "integrated member decision support system [that] provides a method for corporations, insurance carriers, health maintenance organizations, physicians and physician groups, or other clients to efficiently provide

medical, pharmaceutical, and health benefit advice and information for an enrolled population." (Abstract) A person in the enrolled population must be validated before using a feature of the system to address a symptom they have or a concern they have. The system may use previously stored information about the person from completed tests or prior advice to address the symptom or concern.

Unlike Applicant's claimed invention, Brinkman is not directed at validating a computer system, but validating a user's identity to enable the system to address their ailment or concern. Further, the user validation is accomplished through a login process that is validated against a list of enrolled persons. A validation plan is neither disclosed in Brinkman nor generated in Brinkman.

Applicant submits that Brinkman is directed to a fundamentally different invention than Applicant's claimed invention.

Claim 1

With respect to claim 1, Brinkman fails to either disclose or suggest, *inter alia*, a computer-implemented method of validating a computer system. For example, Brinkman fails to disclose at least receiving data representative of a plurality of requirements for validating a computer system, generating a validation plan to validate the computer system, and generating a plurality of tests for the computer system to be performed during an implementation of said validation plan.

With respect to the receiving step, the Examiner cites Brinkman at page 5, paragraph [0070]. This reference in Brinkman discloses a system receiving data from a user that selects a feature of the system the user wishes to use, such as nurse features or pharmacist features. The system is not receiving data representative of requirements for validating a computer system.

With respect to generating a validation plan, the Examiner cites Brinkman at page 5, paragraph [0071]. This reference in Brinkman discloses user eligibility

validation - the user providing identification information to ensure they are eligible to use the system. The system in Brinkman is not generating a validation plan nor is it even validating a computer system.

With respect to generating a plurality of tests, the Examiner cites Brinkman at page 5, paragraph [0072]. This reference in Brinkman discloses the operator asking the user questions, in conjunction with data about the user that was previously entered into the system, to determine their ailment. None of the questions posed by the operator of the system would be generated by the system, and moreover, would not be tests of *the computer system*, but rather of the user's health.

At least these limitations of claim 1 are not disclosed in Brinkman. Once Brinkman is understood to be directed at a fundamentally different invention, and the above amendments and explanations are understood, Applicant submits that the remainder of the steps of claim 1 are not anticipated by Brinkman.

Claims 2 - 22

Claim 2 recites a method comprising, and claim 22 a media storing instructions for causing a computer to perform, receiving a plurality of validation requirements for validating a computer system and receiving data representative of the results of performing each validation requirement, said results including whether said computer system achieved a particular requirement and exception reports for each requirement that was not achieved. At least these features are neither disclosed nor suggested by Brinkman.

With respect to the step of receiving a plurality of validation requirements, the Examiner cites Brinkman at page 5, paragraph [0070]. As discussed above, this reference in Brinkman discloses a system receiving data from a user that selects a feature of the system they wish to use, such as nurse features or pharmacist features. The system is not receiving data representative of requirements for validating a computer system.

With respect to the step of receiving data representative of the results, the Examiner cites Brinkman at page 5, paragraphs [0072]-[0073]. This reference in Brinkman discloses an operator asking an already-validated user questions, and using data about the user that was previously entered into the system, to determine their ailment. It also discloses having an operator assist the user if they are not able to validate properly. Any results received by the system are from the user and relate to user validation or their ailment. The results are not directed at validating the system, as required by Applicant's claims.

Claims 3 - 21 depend from claim 2 and are therefore patentable for at least the reasons stated above.

Claim 23

Referring to the rejection of claim 23, Brinkman fails to disclose or suggest, *inter alia*, at least delivering a computer-based training session and generating a unique user code after the user has successfully completed the training session. The Examiner cites Brinkman at page 7, paragraph [0089]. This reference in Brinkman discloses a user being provided with options to select a feature the user wishes to use. Making a selection directs the user to pharmacy features, nursing features, etc.

The user is not directed to training sessions; the user is simply not being trained. Further, the user is not directed to training sessions that generate a unique user code that allows the user to log in. The user in Brinkman is either in the system (and hence can be validated) or is not.

CONCLUSION

Applicant believes that it has fully responded to the Examiner's concerns, and that the claims are in condition for immediate allowance. Applicant respectfully requests reconsideration and immediate allowance of the claims.

Applicant requests that any questions concerning this matter be directed to the undersigned at (416) 865-8242.

Respectfully submitted,



Matthew J. Marquardt
Reg. No. 40,997

Dated: 7 May 2007

TORYS LLP
79 Wellington Street West, TD Centre
Suite 3000, P. O. Box 270
Toronto, Ontario
M5K 1N2
CANADA
Tel.: (416) 865-8242
Fax: (416) 865-7380